

OFFICE OF
CHILD PROTECTION OMBUDSMAN



ANNUAL REPORT
FY2014

STATE OF UTAH
DEPARTMENT OF HUMAN SERVICES

ocpo.utah.gov

INTRODUCTION

HISTORY

In January 1996, the Executive Director of the Utah Department of Human Services (DHS) created the Office of Child Protection Ombudsman (OCPO), independent from the Division of Child and Family Services (DCFS), where the public could report concerns about cases under DCFS jurisdiction. In 1998, the Utah Legislature codified the role and authority of the Ombudsman's Office by enacting Section 62A-4a-209 of Utah Code, which authorizes the Ombudsman access to all of the Department's written and electronic records and databases.

PURPOSE

The DHS Ombudsman's Office exists to investigate, report on and help settle individuals' complaints regarding Child and Family Services. The Ombudsman's Office is the only independent office in State government where complainants can express their concerns about child welfare cases.

RESPONSIBILITY

Ombudsman's Office staff members utilize their knowledge of Utah child welfare law and DCFS Practice Guidelines to educate complainants and the general public. Often, individuals' basic understanding of child welfare processes and procedures increases as a result of contact with the Office and concerns are relieved due to open communication. The Office objectively investigates whether Child and Family Services acts in accordance with Utah Law and DCFS Practice Guidelines. Operating as a small, efficient office, the well-qualified staff members offer a high standard of service to the individual consumer, as well as Child and Family Services.

INTAKE PROCESS

In FY2014, the Ombudsman's Office received 1,033 calls. Of those 1,033 calls, 343 were complaints processed as OCPO Intakes (33%). In the remaining 690 calls, the caller was referred to Child Protective Services Intake (316 calls, 31%), provided with child welfare resources or DCFS employee contact information (228 calls, 22%), or referred to an agency other than DCFS to address their complaint (146 calls, 14%) (Chart 1).

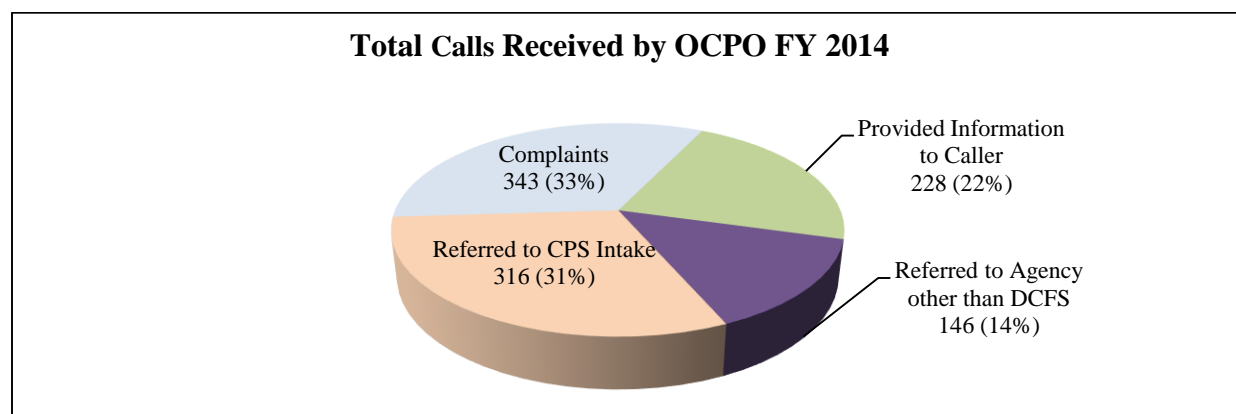


Chart 1

The number of complaints received by the Ombudsman's Office over the last five years shows a downward trend, with an average of 364 complaints received during each fiscal year (Chart 2). During FY2014, 343 complaints were received by the Ombudsman's Office.

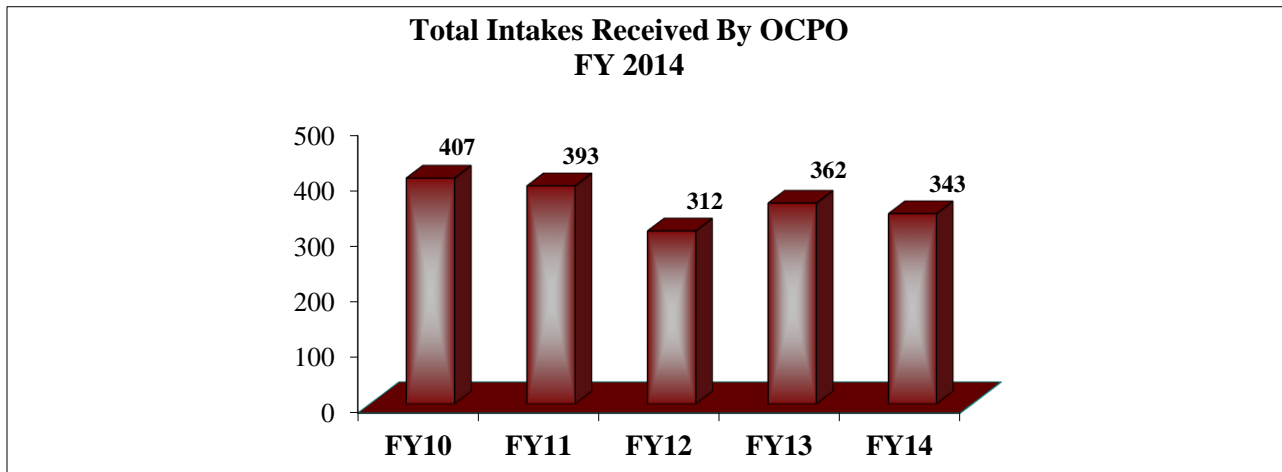


Chart 2

Most complaints to the Ombudsman's Office were from biological parents (52%). Relatives (25%) and Friends/Neighbors (8%) round out the top three sources of complaints to the Ombudsman's Office. Eight percent of complaints were initiated by professionals involved in the child welfare system (Foster Parent 3%, Professional Partner 3%, DHS/DCFS 1%, OCPO 1%). Professional Partners include individuals employed in education, mental health, law enforcement and other fields connected to the child welfare system (Chart 3).

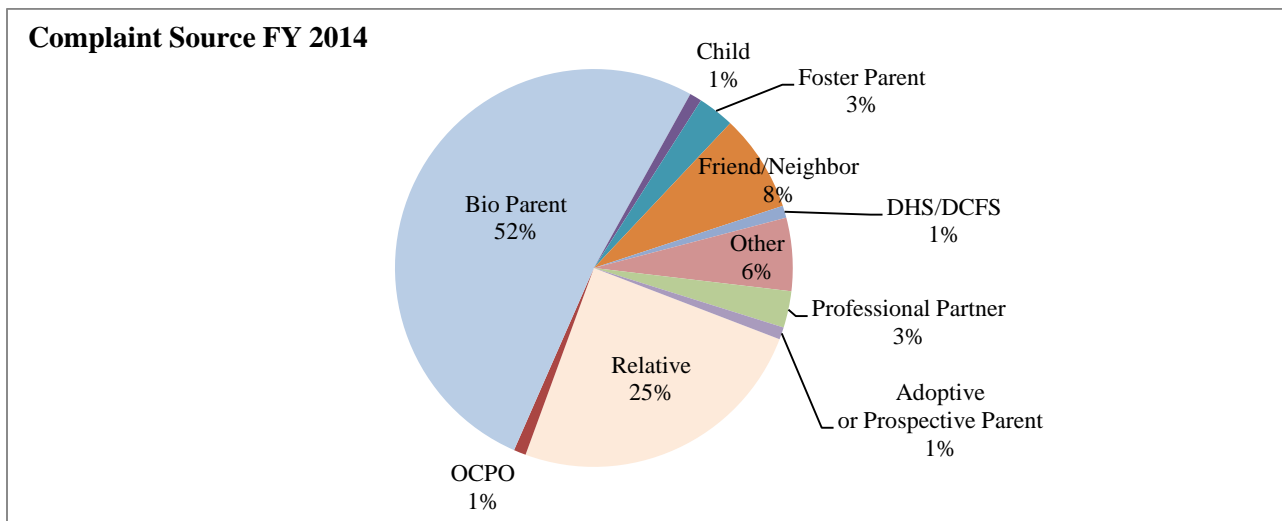


Chart 3

The Utah Division of Child and Family Services is divided into five geographical regions. The Eastern Region DCFS offices serve Carbon, Daggett, Duchesne, Emery, Grand, San Juan and Uintah counties. The Northern Region DCFS offices serve Box Elder, Cache, Davis, Morgan, Rich and Weber counties. The Salt Lake Valley Region DCFS offices serve Salt Lake and Tooele counties. The Southwest Region DCFS offices serve Beaver, Garfield, Kane, Iron, Piute, Sanpete, Sevier, Washington, and Wayne counties. The Western Region DCFS offices serve Juab, Millard, Utah,

Wasatch and Summit counties. Chart 4 illustrates the total number of complaints received by each DCFS Region. In addition, the Ombudsman's Office received 25 complaints about Child Protective Services Centralized Intake, 7 complaints about Child and Family Services State Administration, and 42 complaints regarding Child and Family Services unrelated to a specific caseworker or region.

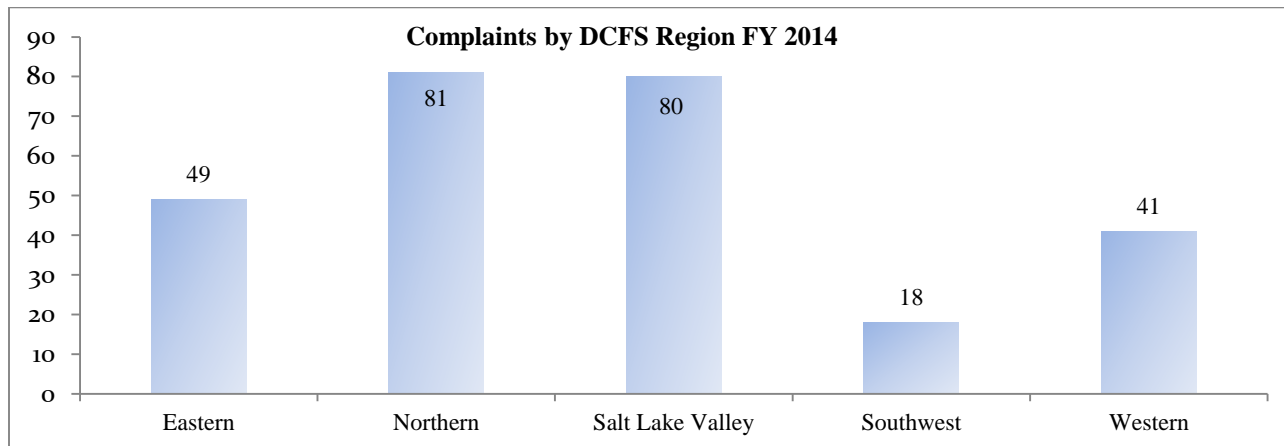


Chart 4

Child and Family Services utilizes various services to fulfill their duties, which include Child Protective Services, Foster Care, and In-Home Services. During FY2014, the Ombudsman's Office received 133 complaints about Child Protective Services cases, 107 complaints about Foster Care cases, 35 complaints regarding In-Home cases, and 13 complaints about all other DCFS services (Chart 5). OCPO also assisted 42 complainants whose concerns were unrelated to a specific Child and Family Services caseworker or region by providing them with general child welfare information. As illustrated in Chart 5, the total number of complaints (355) separated by DCFS Service Type exceeds the number of complaints processed by the Ombudsman's Office, as reported in Chart 1 (343), because more than one service type may be included in a complaint.

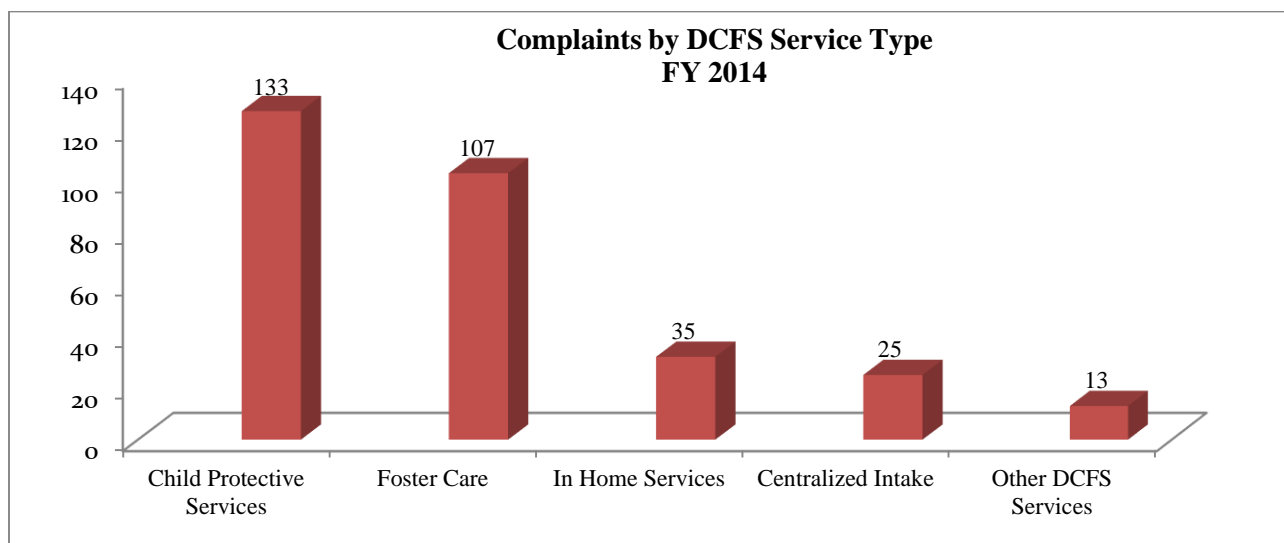
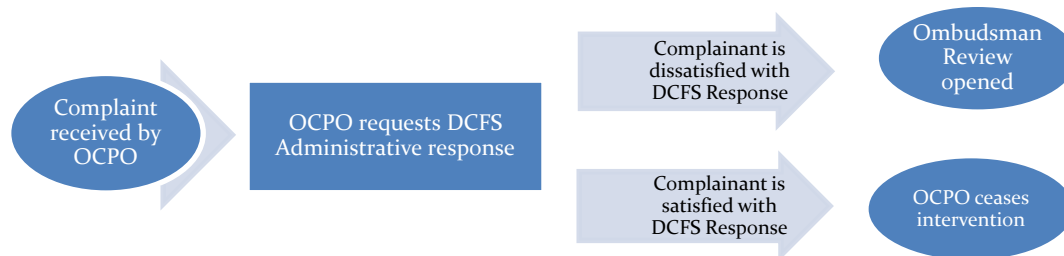


Chart 5

Each contact with the Ombudsman's Office is treated as though the expressed concerns might result in an investigation. The Intake Process is especially important to the complainant, as it gives that person an opportunity to share their story. During the initial contact with a complainant the Ombudsman's staff explains the following complaint process:



During the Intake Process the Ombudsman's staff explain that a complainant may request at any time that the Office cease or continue its intervention. Each course is described below:

Cease Ombudsman intervention:

- Withdraw his/her complaint.
- Request to work directly with a Child and Family Services representative.

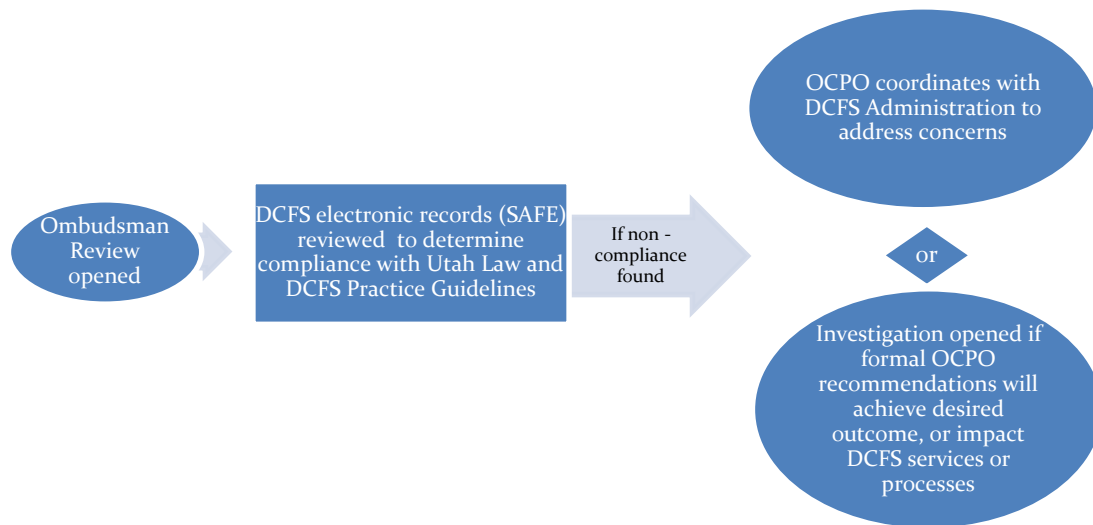
Continue Ombudsman intervention:

- Request the Office gain a written response to the individual's concern from Child and Family Services.
 - In these instances, the Ombudsman's Office staff member reviews the response with the complainant and inquires whether they desire an Ombudsman independent review or investigation.
- Request the Ombudsman's Office gather the information necessary to determine if further review of the case is warranted.
 - If the individual requests a review either outright or following the DCFS written response, the electronic case record is then typically evaluated by the Ombudsman staff member.
 - At the point of issuing findings from the case record review, the Ombudsman's Office notifies the complainant and will either take no further action or will accept the case for investigation.
- Request the Ombudsman's Office conduct an investigation.

OMBUDSMAN REVIEW

During FY2014, OCPO completed 129 Ombudsman Reviews. An Ombudsman Review may occur under one of two circumstances: 1) when a complainant is not satisfied with the response from Child and Family Services; or 2) when the Ombudsman's Office is concerned about an issue. In each instance, the Ombudsman's Office will proceed with an Ombudsman Review to determine the appropriate action to be taken. The following flowchart illustrates the process from Ombudsman

Review to investigation:



INVESTIGATIONS

During FY2014, the Ombudsman’s Office conducted 29 investigations. An investigation may contain multiple concerns. The Ombudsman’s Office investigates to determine the validity of the concerns reported by a complainant or to address concerns identified by the Ombudsman’s Office. When the Ombudsman’s Office finds evidence to support a complainant’s concern or finds documentation that Child and Family Services did not act in accordance with Utah Law or Child and Family Services Practice Guidelines, the concern is documented as a valid concern.

The 29 investigations completed in FY2014 encompassed 213 individual concerns. Of these 213 concerns that were investigated, 159 (75%) of the concerns were reported to the Ombudsman’s Office by a complainant, and 54 (25%) were identified by the Ombudsman’s Office (Chart 6).

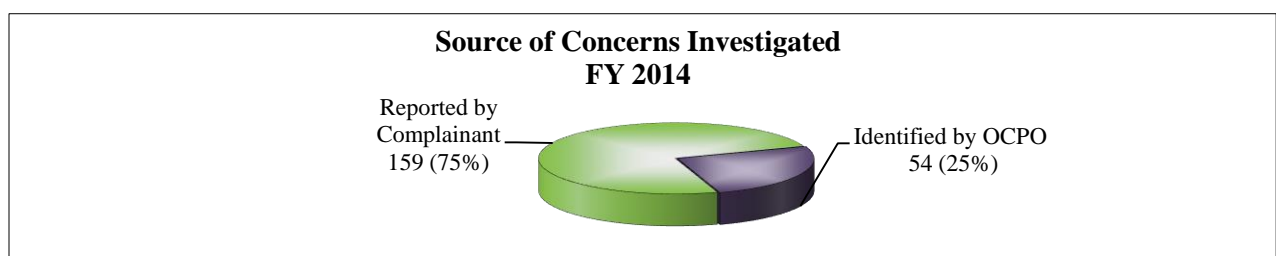


Chart 6

The following is a sample of concerns expressed by complainants and found to be valid during FY2014:

- The Child Protective Services worker obtained a warrant that contained inaccurate information to remove children from their parents.

- The Child Protective Services worker failed to investigate a child’s disclosure of abuse or other reported allegations of abuse or neglect. In addition, the investigative findings were not based on facts or information obtained during the investigation.
- In one DCFS Region, the administrative requirement for a Child Protective Services Supervisor to review two closed cases per month, per caseworker, and all cases in which children were removed by the caseworker, was inadequate and left children at risk.
- A parent was court ordered to complete urinalysis testing and a parenting class, but the caseworker never required that the parent complete them.
- The caseworker failed to ask a parent about kinship placements for their child until after the legal time frame expired.
- The caseworker did not consider a child’s putative parent as a placement for the child or provide the parent with reunification services so that the parent could possibly have their child placed with them.

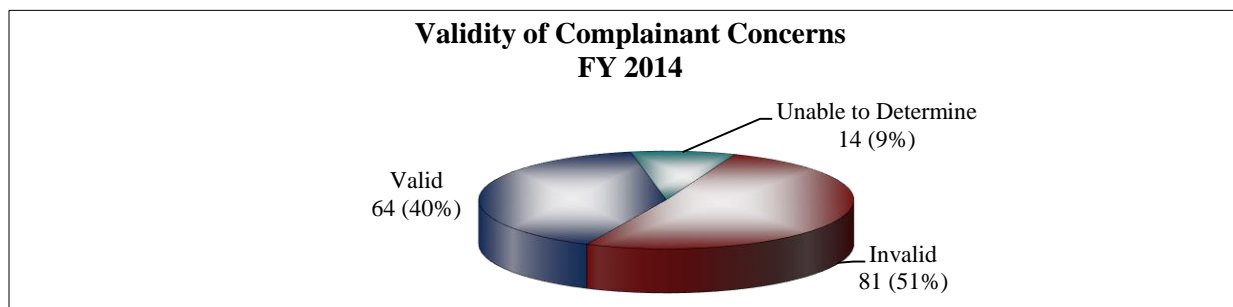


Chart 7

Regarding the 159 concerns reported to the Ombudsman’s Office by the complainant, the Ombudsman’s Office found 64 (40%) of the complainant concerns to be valid and 81 (51%) to be invalid. The Ombudsman’s Office was unable to determine the validity of 14 (9%) complainant concerns (Chart 7). A finding of “Unable to Determine” is made when there is no means by which the Ombudsman’s Office can verify that a situation or concern occurred. For example, if a complainant expressed concern that a Child and Family Services caseworker was rude, treated the complainant with disrespect, or made concerning statements during a conversation, the Ombudsman’s Office would likely be unable to determine the validity of the complainant’s concern, as the Ombudsman’s Office may be unable to corroborate the alleged incident; however, Child and Family Services would be notified of the concern in order to explore possible causes and to address it if necessary.

RECOMMENDATIONS

The Ombudsman’s Office made a total of 109 recommendations to Child and Family Services during FY2014. Child and Family Services implemented 106 out of 109 (97%) recommendations. The three recommendations not implemented by Child and Family Services included two recommendations that required a change in statute, and one recommendation for which Child and Family Services Administration chose a different course than the one proposed by the Ombudsman’s

Office. The Ombudsman's Office did not make a recommendation for every valid concern, and made multiple recommendations for some valid concerns; therefore, the number of valid concerns and number of recommendations are unequal.

The 109 recommendations included 39 recommendations that Child and Family Services provide training and instruction to an employee in order to prevent similar oversights from happening in future cases. There were 59 recommendations that an act or omission by Child and Family Services be addressed or reconsidered, and 11 recommendations that DCFS State or Regional Administration create or modify policy, processes or procedures (Chart 8).

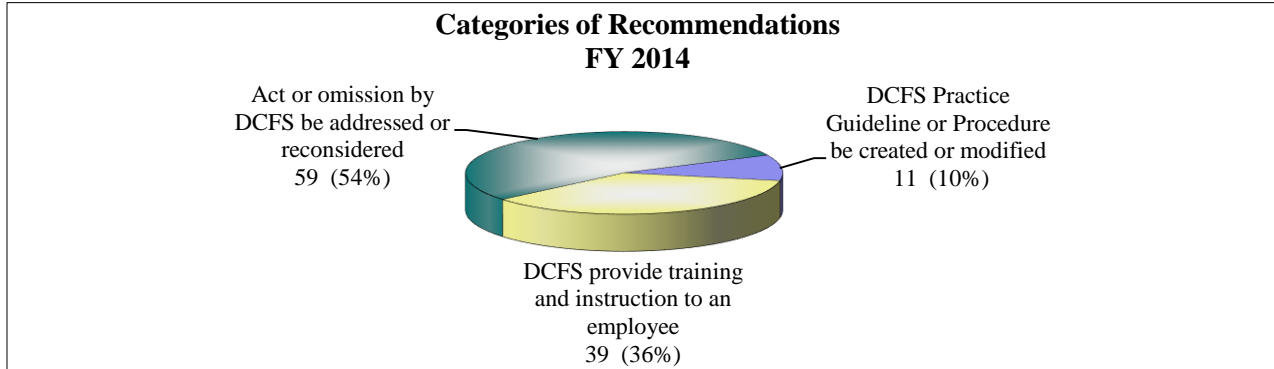


Chart 8

The most common recommendation was that Child and Family Services caseworkers receive training in regards to documenting information and casework activity in the case record. The Ombudsman's Office also recommended that individual caseworkers receive training and instruction regarding the following requirements that caseworkers:

- Correctly utilize Child and Family Services risk assessment and level of placement tools.
- Interview as well as notify a biological parent that their child was placed in the custody of Child and Family Services.
- Search for and place a child with family members when a child is in the custody of Child and Family Services if safety and services can be provided to the child.
- Hold timely Child and Family Team Meetings.
- Interview collateral contacts.
- Audio record a child's interview.

The Ombudsman's Office made 59 recommendations that an act or omission by Child and Family Services be addressed or reconsidered. The most common recommendation was for Child and Family Services to review or re-open a Child Protective Services investigation to adequately assess risk to a child or children. The following recommendations are some of the other recommendations made during FY2014 to address an act or omission by DCFS:

- A caseworker implement a safety plan with a family whose children are at risk of harm.
- Child and Family Services Regional Administration review a juvenile court recording to determine if personnel action regarding a DCFS employee is warranted.
- Child and Family Services Regional Administration review the case history and current DCFS case and determine whether a parent has received adequate reunification services.

- Child and Family Services Regional Administration complete a review of a caseworker's past and present caseload to ensure the caseworker complied with Child and Family Services Practice Guidelines and professional ethics.
- Child and Family Services Regional Administration amend a Child Protective Services case finding of abuse to Without Merit due to lack of evidence.

The Ombudsman's Office made 11 recommendations that DCFS State or Regional Administration create or modify policy, processes or procedures. The Ombudsman's Office recommended that Child and Family Services State Administration:

- Develop a Practice Guideline or protocol to address caseworkers reporting alleged Provider Code of Conduct violations to the Office of Licensing.
- Review the uniform kinship-exploration letter and consider including more information in the letter to alleviate confusion for letter recipients who are unrelated to the family involved with Child and Family Services.
- Reconsider providing notice to a non-offending parent and provide that parent an opportunity to be heard regarding DCFS' decision to amend a finding against the offending parent in cases where DCFS formally supported a protective order against the offending parent.

The Ombudsman Office recommended that Child and Family Services Regional Administration explore:

- Increasing the number of closed Child Protective Services cases that supervisors are required to review in order to identify and address inadequate risk assessments.
- Methods within one of its offices to monitor CPS case completion timeframes more effectively in order to ensure that cases are completed in compliance with Utah Law and DCFS Practice Guidelines.

A UNIQUE SERVICE FOR UTAH'S CITIZENS

The Ombudsman's Office is contacted by complainants who report their concerns on a variety of issues. Some complainants contact the Office with the hope that knowledgeable staff can help them, or they are seeking assurance that Child and Family Services staff are handling their case appropriately. In some cases, the Ombudsman's staff can offer immediate assurance, as well as make recommendations for practice improvement in child welfare cases. The Ombudsman's Office is in a position to increase public confidence in child welfare and to strengthen the State's Division of Child and Family Services.